

TOWN OF TIVERTON
ZONING BOARD OF REVIEW
MINUTES

May 4, 2016

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, May 4, 2016 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Lise Gescheidt, David Collins, Richard Taylor, Wendy Taylor Humphrey, and George Alzaibak.

Also present were: Peter Skwirz, Town Solicitor, Neill Hall, Building Official, and Mary Ann Escobar, Court Reporter.

1. Vincent & Rebecca Majewski (special use): A petition has been filed by Vincent & Rebecca Majewski of Tiverton, RI requesting a special use permit to Article VII Section 4.b. of the Tiverton Zoning Ordinance in order to raze the existing single family dwelling and construct a new single family dwelling on existing footprint/foundation, adding new floor area where existing wood deck and patio were, located at 528 Nanaquaket Road, Tiverton, RI being Plat 403 Lot 167 on Tiverton Tax Assessor's maps closer to the right and left side property lines than currently allowed in a R80 zoning district.

DECISION: Attorney John Pagliarini, Jr. appeared before the board representing the petitioners, along with the petitioners, Vincent and Rebecca Majewski. Before proceeding on this petition Ms. Gescheidt stated that Mr. Hall, the building inspector, was not present and if the petitioners felt comfortable proceeding without him present. Mr. Hall was currently out at a fire scene. Attorney Pagliarini responded that they would like to continue on with said petition. As the discussion ensued, Mr. Hall arrived and the discussion became a moot point and ended.

Mr. Pagliarini stated as follows: The Majewskis originally intended to do an addition to their dwelling and then decided that they would simply re-build with a brand new dwelling on the existing footprint within a one foot tolerance of where it currently stands now. Due to their house being on a substandard lot, they needed to come before the board for a special use variance in order to do so.

Mr. Majewski testified that they began demolition on the property and the building inspector came out and requested they get a survey done on the property and told him he had to go before the zoning board for a special use permit. He stated he did so and now has a building permit dated February 4th or 5th. He couldn't remember which date.

They began their excavation and had the footings poured and that's when the conversation came up that they had to come before this board to get a special use permit.

The Board had some questions about the neighborhood and if this dwelling will be similar to the existing houses and the Majewskis answered yes it is.

Mr. Majewski stated that the original plan was they were going to have an addition to the existing house. Once they began actually looking at the house and noticing rotting wood and the like they decided it would be better off to raze the existing house and build brand new according to their new plans (which the board has copies of.) The only relief needed will be the two side yard setbacks. They will meet the height requirement. The water supply will be from an existing well that is in the front of the property.

Mr. Hall stated that he has requested that the Majewskis present him with an as-built due to the nature of the closeness of the lot dimensions. Mr. Majewski agreed to provide that to Mr. Hall.

The Board asked how many bedrooms will the home have, and the Majewskis replied that it is three bedrooms, two will be used as bedrooms and one will be used as a den. Their septic system is a three bedroom septic system.

The Board closed the hearing and discussed the petition. Mr. Collins made a motion to grant the request for a special use permit finding that based on testimony, observations and the fact that nobody objected to the project that the project is in fact compatible with neighboring land uses, the project will not create a hazard in the neighborhood in that septic systems are adequate to support the project and that really no other special use permit requirements apply to this particular petition. Mr. Collins also added a condition that the front porch be constructed as a flat stone front porch and not be raised, as pictured on their plan they presented to the Board. Mr. Alzaibak seconded it. The Vote was Unanimous. Voting were Ms. Geischeidt, Mr. Taylor, Mr. Collins, Ms. Taylor Humphrey & Mr. Alzaibak.

2. Administrative Matters

- a. Review and Approval of Minutes from the meeting of March 2, 2016 (revised) and April 6, 2016. - - Mr. Alzaibak made a motion to accept the minutes from March and April, 2016. Mr. Collins seconded. The Vote was Unanimous. Voting were Ms. Geischeidt, Mr. Taylor, Mr. Collins, Ms. Taylor Humphrey & Mr. Alzaibak.

3. Miscellaneous:

- a. Election of Secretary due to the resignation of Richard Taylor. Ms. Geischeidt stated that she was sad to see that Mr. Taylor was resigning, and her sentiments were the same among the all board members. The Board thanked Mr. Taylor for

his service all these years on the board and wishes him well in the future.

The Board put off until the next meeting voting in a new secretary due to Mr. Jackson not being present for this meeting.

3. Adjournment. – Mr. Taylor made a motion to adjourn. Seconded by Mr. Alzaibak. The Vote was Unanimous. Voting were Ms. Geisheidt, Mr. Taylor, Mr. Collins, Ms. Taylor Humphrey & Mr. Alzaibak.

ZBR:mae